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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,620	08/07/2001	Marcus Tong	2001P4227US01	3155

7590 02/25/2005
Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

CHANG, RICHARD

ART UNIT PAPER NUMBER

2663

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,620

Applicant(s)

TONG ET AL.

Examiner

Richard Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07-August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 11, 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 12, 14 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11,13 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US patent No. 5,327,391 (“Hirata”).

Regarding claims 11 and 13, Hirata teaches a rate adaptation method and apparatus (a method for rate adjustment using) with double buffer type elastic store comprising a pair of data memory blocks (24-1 as first jitter buffer and 24-2 as second jitter buffer) said pair of data memory blocks (24-1 and 24-2 as first and second jitter buffers) adapted to receive a sequence of reception data (100 as a plurality of samples) by a reception clock with a predetermined clock period (101 a first clock rate) (See Fig. 1, Col 3, lines 32-43), and transmit a sequence of output data (105 as block of said samples) at a system clock (103 as second clock rate) (See Fig. 1, Col 4, lines 4-6), comprising of selecting (switching between using) either of the first data memory block (24-1 said first jitter buffer) or the second data memory block (24-2 said first jitter buffer) at the system frame rate (said second clock rate) (See Fig. 1, Col 4, lines 44-49).

Regarding claim 15, Hirata further teaches that the method and system comprising of

providing first circuitry (21, 25-1 and 25-2) in a first clock (101) domain operable at a first clock (101) frequency,

providing second circuitry (22, 26-1 and 26-2) in a second clock (103) domain operable at a second clock (103) frequency,

providing first and second jitter buffers (24-1 and 24-2) interfacing between said first circuitry (11) and said second circuitry (12) domain,

wherein said first or second jitter buffers (24-1 and 24-2) alternately fill at said first clock (101) frequency and empty at said second clock (103) frequency,

wherein alternation between said first and second jitter buffers (24-1 and 24-2) occurs at said second clocking frequency (104) (See Fig. 1, Col 4, lines 4-49).

Allowable Subject Matter

3. Claims 1-10 and 19-20 are allowed.

4. Claims 12, 14 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

Examiner's Statement of Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The prior art along or in combination fails to teach or make obvious the limitations for a method and system for device addressing over a computer network that specifically comprises:

“and said second jitter buffer pair comprising third and fourth jitter buffers; wherein said first or second jitter buffers and said third or fourth jitter buffers alternately fill at said first clock frequency and empty at said second clock frequency, wherein alternation between said first and second jitter buffers and said third and fourth jitter buffers occurs at said second clocking frequency” as recited in the independent claim 1, and

“coupling said audio input to a voice encoder and third and fourth jitter buffers operably coupling said audio output to a voice decoder; wherein said first or second jitter buffers alternately fill at a first clock frequency and empty at a second clock frequency, wherein alternation between said first and second jitter buffers occurs at said second clock frequency; and wherein said third or fourth jitter buffers alternately fill at said second clock frequency and empty at said first clock frequency, wherein alternation between said third and fourth jitter buffers occurs at said second clock frequency” as recited in the independent claim 5.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rk
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Richard Chang
Patent Examiner
Art Unit 2663


RICKY NGO
PRIMARY EXAMINER

2/22/05